

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

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|--|---|-----------------------------------|
| LORETTA S. BELARDO, ANGELA |) | |
| TUITT-SMITH, BERNARD A. SMITH, |) | |
| YVETTE ROSS-EDWARDS, DARYL |) | |
| RICHARDS, AVON CANNONIER, |) | |
| ANASTASIA M. DOWARD, JOANNA |) | |
| MEYERS, EVERTON BRADSHAW, |) | Civil Action No. 2018-0008 |
| PAMELA GREENIDGE, RODELIQUE, |) | |
| WILLIAMS-BRADSHAW, and |) | |
| WINSTON GREENIDGE, on behalf of |) | |
| themselves and all others similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| BANK OF NOVA SCOTIA, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Attorneys:

Vincent A. Colianni, II, Esq.,
Marina Leonard, Esq.,
St. Croix, U.S.V.I.
For Plaintiffs

Carol Ann Rich, Esq.,
St. Thomas, U.S.V.I.
For Defendant

ORDER

THIS MATTER comes before the Court on Defendant Bank of Nova Scotia's ("Defendant") Motion to Dismiss for Failure to State a Claim ("Motion to Dismiss"), filed on April 12, 2018. (Dkt. No. 3). Defendant's Motion to Dismiss was filed in response to Plaintiffs' original Complaint, filed on March 20, 2018. (Dkt. No. 1). Plaintiffs subsequently filed an Amended

Complaint on April 27, 2018, as permitted by Federal Rule of Civil Procedure 15. (Dkt. No. 5).¹ Plaintiffs' Amended Complaint is now the operative complaint in this matter, and Defendant has filed a Renewed Motion to Dismiss for Failure to State a Claim in response. (Dkt. No. 9). Accordingly, Defendant's initial Motion to Dismiss is moot.

UPON CONSIDERATION of the foregoing, it is hereby

ORDERED that Defendant's Motion to Dismiss (Dkt. No. 3) is **DENIED AS MOOT**.

SO ORDERED.

Date: October 9, 2018

_____/s/_____
WILMA A. LEWIS
Chief Judge

¹ Federal Rule of Civil Procedure 15 provides, in pertinent part, that where a pleading is one to which a responsive pleading is required, "[a] party may amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b)." FED. R. CIV. P. 15(a)